

Notice of Allowability	Application No.	Applicant(s)	
	09/299,124	BUDIKE, LOTHAR E. S.	
	Examiner	Art Unit	
	Thomas A. Dixon	3639	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 6/6/06.
2. ☒ The allowed claim(s) is/are 42-73.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☒ to Paper No./Mail Date 4/26/1999.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>attached</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Kathy Takeguchi (55,988) on 6 June 2006.

The application has been amended as follows:

in the claims: cancel rejected claims 75-78, 80.

Terminal Disclaimer

2. The terminal disclaimer filed on 6 June 2002 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of 6,122,603 has been reviewed and is accepted. The terminal disclaimer has been recorded

Drawings

3. In order to avoid abandonment, the drawing informalities noted in the paper mailed on 9/19/01, must now be corrected. Correction can only be effected in the manner set forth in the above noted paper.

Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid

abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Allowable Subject Matter

4. Claims 42-73 are allowed.
5. The following is a statement of reasons for the indication of allowable subject matter:

As per Claims 42, 58.

The prior art of record, specifically, Schlect et al (285), Takriti et al (403), Schrock et al (858) Cmar (084) Ishimaru et al (710), MacLean (688), Wojcik et al (493) and Beaty do not disclose or fairly teach:

a central control computer connected to a multi-utility master meter device and a plurality of individual utility consuming systems within a facility, said computer having software adapted to receive utility consumption rate data from said multi-utility master meter and for storing, presenting analyzing and reporting from said data information to monitor consumption rates and to compare such information to theoretical or historical data to identify unexpected changes in consumption and to identify peak demands, surges, and sags; and

control said utility consuming systems by adjusting actual utility consumption in response to predetermined parameters set for each of said utility consuming systems, said software comprising:

a dashboard screen and a plurality of utility subscreens relating thereto, said dashboard screen including one screen which provides a plurality of utility type icons for selection of a utility from said icons and at least two interface gateways for selection of utility-facility operations and related data; and

a plurality of subscreens for presenting i) said selectable utility-facility operations related data from said utility type icons and ii) selectable utility related data from said interface gateway.

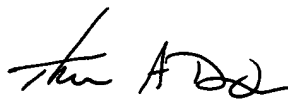
The claims that depend from the above allowable claims are allowable for the same reasons.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Dixon whose telephone number is (571) 272-6803. The examiner can normally be reached on Monday - Thursday 6:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571) 272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Thomas A. Dixon
Primary Examiner
Art Unit 3639

June 06